

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANCIS J. HARVEY, JR. and  
JEAN P. WILHELM.

Plaintiffs.

-against-

320 OWNERS CORP. and CHARLES LOWERY,  
in his capacity as President of 320 Owners Corp.,

Defendants

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/30/07
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Civil Action No.

6763 (LAP)

**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION  
AND TEMPORARY RESTRAINING ORDER**

Upon the affidavit of FRANCIS J. HARVEY, JR. sworn to on the 26 day of July  
2007, and upon a copy of the complaint annexed hereto, it is.

ORDERED that the defendants 320 OWNERS CORP and CHARLES LOWERY,  
in his capacity as president of 320 OWNERS CORP., show cause before a motion term  
of this Court, at Room \_\_\_ of the United States Courthouse, 500 Pearl Street, New York,  
New York July \_\_\_ 2007, at \_\_\_ o'clock in the \_\_\_ noon thereof, or as soon  
thereafter as counsel can be heard, why an order should not be issued pursuant to Rule 65  
of the Federal Rules of Civil Procedure enjoining the defendant during the pendency of  
this action from:

a. Commencing or continuing to prosecute in any Court of the State

or City of New York an action to terminate the tenancy of the

Plaintiffs, obtain possession of the Plaintiffs' apartment, to

compel Plaintiffs to sell the shares they own in the Defendant

*The request for the TRD is denied on the ground that Plaintiffs have not demonstrated a probability of success on the merits or, indeed, as to the presence of jurisdiction.*

July 30, 2007

SO ORDERED

*Loretta A. Preska*  
LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE